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8 *Attorneys for Merchants Bonding Company*

9 **UNITED STATES DISTRICT COURT**

10 **DISTRICT OF NEVADA**

11 TRUSTEES OF THE CONSTRUCTION
12 INDUSTRY AND LABORERS HEALTH
13 AND WELFARE TRUST; TRUSTEES OF
14 THE CONSTRUCTION INDUSTRY AND
LABORERS JOINT PENSION TRUST;
15 TRUSTEES OF THE CONSTRUCTION
INDUSTRY AND LABORERS VACATION
16 TRUST; TRUSTEES OF THE SOUTHERN
NEVADA LABORERS LOCAL 872
17 TRAINING TRUST,

18 Plaintiffs,

19 v.

20 B WITT CONCRETE CUTTING, INC., a
Nevada corporation; WILLIAM J. WITT, and
21 individual; and MERCHANTS BONDING
22 COMPANY,

23 Defendants.
24

Case No.: 2:08-cv-00667-ECR-RJJ
(Base Case) and

Case No.: 2:09-cv-02051-ECR-LRL
(Member Case)

STIPULATION AND ORDER:

**1) TO STAY ENFORCEMENT OF
AMENDED JUDGMENT AGAINST
MERCHANTS BONDING COMPANY;**

**2) TO WITHDRAW MOTION TO SET
ASIDE AMENDED JUDGMENT;**

**3) TO VACATE HEARING ON MOTION
TO SET ASIDE AMENDED JUDGMENT;
AND**

**4) TO SET ASIDE WRIT OF EXECUTION
AGAINST MERCHANTS BONDING
COMPANY**

25 The Plaintiffs Trustees of the Construction Industry and Laborers Health and Welfare Trust,
26 Trustees of the Construction Industry and Laborers Joint Pension Trust, Trustees of the Construction
27 Industry and Laborers Vacation Trust and Trustees of the Southern Nevada Laborers Local 872
28

Training Trust (collectively "Trust Funds"), by and through their undersigned counsel, and the Defendant Merchants Bonding Company, by and through its undersigned counsel, hereby stipulate and agree as follows:

1. That the Trust Funds' enforcement of the Amended Judgment (#51) against Merchants is stayed pending completion of the settlement terms reached between the Trust Funds and Merchants;

2. That Merchants' Motion to Set Aside the Amended Judgment (#60) is withdrawn;

3. That the hearing currently set for September 21, 2011 at 9:00 a.m. on Merchants' Motion to Set Aside the Amended Judgment is to be vacated;

4. That the Writ of Execution (#55) issued by the Clerk of the Court is to be set aside; and

5. That once the settlement terms between the Trustees and Merchants have been completed, the Trustees and Merchants will submit another Stipulation and Order to the Court to set aside the Amended Judgment (#51) as to Merchants only.

DATED: September 16, 2011

THE FAUX LAW GROUP

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DATED: September 16, 2011

BROWNSTIEN, HYATT, FARBER SCHRECK

/s/ Aaron Bart Fricke
Adam P. Segal
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ORDER

Pursuant to the Stipulation above,

IT IS HEREBY ORDERED as follows:

1. That the Trust Funds' enforcement of the Amended Judgment (#51) against Merchants is stayed pending completion of the settlement terms reached between the Trust Funds and Merchants;
2. That Merchants' Motion to Set Aside the Amended Judgment (#60) is withdrawn;
3. That the hearing currently set for September 21, 2011 at 9:00 a.m. on Merchants' Motion to Set Aside the Amended Judgment is vacated; and,
4. That the Writ of Execution (#55) issued by the Clerk of the Court is set aside

DATED: 9/19/11



UNITED STATES DISTRICT COURT JUDGE

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